



## Niger

### Country Reports on Human Rights Practices - [2001](#)

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Niger returned to democracy in 1999, following coups d'etat in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000 Tandja appointed MNSD member Hama Amadou as Prime Minister. The Government continued to make some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. The judiciary continued to show signs of independence; however, family and business ties can influence lower court decisions.

Security forces consist of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities generally maintain effective control of the security forces. Following the 2000 kidnapping of a senior military official and the ensuing crisis, the armed forces stated publicly that they would abide by the rules of democracy and stay out of politics. During the year, the forces continued to abide by their statement; however, members of the security forces committed abuses.

The country's population is approximately 11.2 million. The economy is based mainly on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy is in the formal sector, primarily in light industry and government services. Uranium is the most important export, though declining world demand has made this sector less profitable. The country's per capita income is less than \$200 (146,000 CFA francs) a year. Drought, deforestation, soil degradation, and exceedingly low literacy are problems. The economy remained severely depressed. Most international aid (an important factor in the economy) was suspended following the 1996 coup d'etat; however, the country again is receiving substantial foreign assistance.

The Government's human rights record remained generally poor; although there were improvements in several areas, some serious problems remain. With the 1999 election of President Tandja and members of the National Assembly in generally free and fair elections, citizens exercised their right to change their government. Two prisoners remained missing after having last been seen in the custody of military officers. Police and members of the security forces beat and otherwise abused persons; there reportedly were no incidents of torture by the military. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. The Government generally respected the right to association; however, several Islamist organizations that engaged in or threatened violence remained banned. The Government frequently restricted freedom of movement. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts to combat it. There was societal discrimination against persons with disabilities and ethnic and religious minorities. Worker rights generally are respected; however, there were reports that a traditional form of servitude still was practiced. Child labor occurs, including child prostitution. There were reports of trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In March the party of late President Ibrahim Mainassara Bare made an unsuccessful attempt to repeal the amnesty for the members of the presidential guard who assassinated Bare and killed or seriously injured several other members of his entourage in 1999. The subsequent military-controlled transition government insisted that Bare was killed in an "unfortunate accident;" all perpetrators were granted amnesty by the 1999 Constitution and a 2000 amnesty law (see Section 3). Members of the Bare family continued to press for a full investigation and punishment for Bare's assassins and, in 2000 the European Union called for an investigation. No investigation into the death of President Bare occurred by year's end, and an investigation is unlikely to be authorized by the National Assembly under its current majority party.

There were no developments in the case of a prison supervisor and guard who were arrested after 29 prisoners died in 1999 at Niamey Central Prison. As a result of the 1999 incident, the Minister of Justice promised a full investigation and the reform of the prison system, including training guards and humanizing prison conditions; however, the Government still had not introduced reforms in training and procedure by year's end.

Despite calls from domestic and international human rights groups, the Government did not initiate an independent investigation into the mass grave at Bosso. In 1999 a mass grave containing 149 bodies alleged to be those of missing Toubou former rebels was discovered; the Toubous last were seen in the custody of the armed forces. The Government acknowledged the existence of the mass grave.

There was no investigation nor action taken in the 1999 case in which a Nigerien-Algerian team of security forces attacked a camp of alleged Islamists who advocated violence in the northwestern corner of Niger, killing between 4 and 15 persons.

The Lake Chad area continues to be patrolled by Nigerian-Nigerien-Chadian joint military forces; however, during the year, the region became more secure, and intercommunal conflict, which in previous years resulted in some killings, declined following the 1998 Toubou Peace Accords.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

There were no developments in the 2000 case of two army sergeants, who disappeared after they were arrested by other soldiers for their alleged involvement in the kidnaping of Major Djibrilla Hima, the commander of the army's only armor squadron (see Section 1.d.).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police occasionally beat and otherwise abused persons. Unlike in the previous year, there reportedly were no incidents of torture by the military.

On at least one occasion in February, police used tear gas to disperse protesting students (see Section 2.b.). The Government reported that 4 students were hospitalized due to the effects of tear gas; 21 students were injured. Nineteen students were arrested, and several of the arrested students claimed to have been beaten in detention (see Section 1.d.). Local human rights groups condemned the actions, and allegations of mistreatment ceased after human rights activists and opposition and government members of the National Assembly visited the detainees.

In late May, the 18 soldiers arrested for suspected involvement in the June 2000 kidnaping of a senior military officer, Major Djibrilla Hima, were released pending further investigation; however, it is unknown if any action was taken against the soldiers who allegedly beat and tortured 3 of the detained soldiers in 2000. The prosecutor with overall responsibility for the kidnaping case investigated the torture and disappearance allegations; however, he was removed from the case in mid-2000 following a month of intensive investigation. By year's end, there was no further investigation into the incident.

No action was taken against prison guards who beat and otherwise abused a taxi driver held in detention without charge in 1999. There was no action taken in the November 1999 case in which police officials used

tear gas to disperse students holding a sit-in in Niamey to press claims for payments of their scholarships; at least 20 students were injured. There was neither investigation nor action taken in the March 1999 case in which military personnel ambushed and beat the publishing director of La Voix du Citoyen.

Conditions in all 35 of the country's prisons are poor and life threatening. Prisons are underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there are approximately 550 prisoners in a facility built for 350. Family visits are allowed, and prisoners can receive supplemental food and other necessities from their families. Prisoners were segregated by gender, and minors and adults were incarcerated separately. Pretrial detainees were housed with convicted prisoners.

Corruption among prison staff was rampant. There were credible reports that prisoners can bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also can claim illness and serve their sentences in the national hospital.

The majority of the prisoners who escaped from the prison in Zinder in 1999 were recaptured; however, others remained at large at year's end.

Human rights monitors, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and visited them during the year.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Although the Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours, police sometimes violate these provisions in practice. If police fail to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period begins. The law provides for a right to counsel, although there is only one defense attorney known to have a private practice outside the capital. A defendant has the right to a lawyer immediately upon detention. The Government provided a defense attorney for all indigents in felony cases, including minors. Bail was available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights. Police, acting under authority given them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

On February 21, police arrested 19 students after forcibly dispersing a demonstration in Niamey; several of the arrested students claimed that they were beaten in detention (see Sections 1.c. and 2.b.). At year's end, eight students remained in custody.

Unlike in the previous year, there were no reports of the arrest of journalists (see Section 2.a.).

Following the 2000 Maradi riots, police arrested approximately 100 persons in Maradi and others in Niamey. In May the prisoners held in Niamey were released; however, at year's end, 20 persons in Maradi remained in custody awaiting trial; they were charged with unauthorized demonstration and threatening public order.

In late May, the 18 soldiers arrested for suspected involvement in the June 2000 kidnapping of a senior military officer, Major Djibrilla Hima, were released pending further investigations (see Sections 1.b. and 1.c.).

The judicial system is overloaded seriously. There are no legal limits on pretrial confinement of indicted persons. Detention often lasts months or years. In 2000 the Justice Ministry made efforts to accelerate the process. For example, in November a multilateral workshop reviewed systemic problems in the judiciary to determine how future donors can best allocate future aid resources as part of a planned overhaul of the judicial system. Some persons have been waiting as long as 6 years to be charged. Of the 550 prisoners in Niamey's Civil Prison, approximately 350 were awaiting trial or had no charges brought against them.

The Constitution prohibits forced exile, and there were no reports of its use.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it occasionally was subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influence lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there has been evidence in previous years of increased judicial independence.

Defendants and prosecutors may appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Traditional chiefs can act as mediators and counselors and have authority in customary law cases as well as status under national law where they are designated as auxiliaries to local officials. Chiefs collect local taxes and receive stipends from the Government, but they have no police or judicial powers and can only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, try cases involving divorce or inheritance. They are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts are not regulated by law, and defendants may appeal a verdict to the formal court system. Women do not have equal legal status with men and do not enjoy the same access to legal redress (see Section 5).

Defendants have the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires that police have a search warrant, normally issued by a judge; however, human rights organizations reported that police often conducted routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, on several occasions the Government limited these rights in practice. On at least one occasion during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces or for complicity in libelous comments.

The Government publishes a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which are affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there have been no reports that any journalists have been denied accreditation. While the press has attacked a recent government proposal to end preferential tax treatment for the purchase of newsprint and other supplies, the Government maintained that the measure is part of the overall effort to resolve chronic fiscal difficulties.

In March the Government brought charges of complicity against an opposition radio journalist after a guest allegedly made libelous remarks about a political rival during a live broadcast. The charges later were dropped when the prosecutor determined that there was no case because no transcript of the interview was available. According to the law used in the case, "those who by publication, distribution, or broadcast by any means cause a crime or an offense to occur or to be attempted will be punished as accomplices."

In 2000 three journalists from the weekly *l'Enqueteur* newspaper were arrested for reporting false news regarding Nigerien troop movements near the Benin border. The Minister of Interior took legal action against the founder of the weekly, the managing editor, and a reporter. The newspaper publisher, Soumana Maiga was sentenced to 8 months in prison and fined approximately \$710 (500,000 CFA francs); his editor and a reporter received 6-month suspended sentences, and each was fined approximately \$430 (300,000 CFA francs). In late January or early February, Maiga was released on bail after 85 days in prison; he dropped his appeal after his release.

Two *Canard Libere* journalists, who were convicted of "undermining the morale of the armed forces" in 2000, still had not filed planned appeals by year's end. The 2000 libel case involving Prime Minister Hama Amadou against one of the same *Canard Libere* journalists still was pending at year's end.

Since literacy and personal incomes are both very low, radio is the most important medium of public communication. The government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including Radio France International, Africa Number One, Radio et Musique, Radio Souda, Radio Tenere, Radio Anfani, and Radio Tambara; the last five were owned locally and feature popular news programs in local languages, including Djerma and Hausa. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

During the year, the Government's Superior Council on Communication continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), and Deutsche Welle programs.

Television is a far less important medium than radio. The government-owned Tele-Sahel broadcasts approximately 4 hours every evening, with programming emphasizing news in French and other major national languages. On weekends Tele-Sahel is on the air approximately 7 hours a day, with additional time devoted to sports and entertainment. In October the Government added a second channel, TAL-TV, which has a similar broadcast schedule. A private television station, TV Tenere, broadcasts approximately 7 hours a day on weekdays and 12 hours a day on weekends. In addition to entertainment programs, TV Tenere transmits its own evening news program, which includes reports from French and Swiss sources, as well as other French language European news programs in their entirety. The director of a private radio station operates a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflects government priorities. Presidential activities and conferences dealing with development issues always are reported. Analysis or investigative reporting on domestic topics was extremely rare.

SONITEL, the state-owned telephone company that was privatized partially during the year, is the country's only Internet service provider (ISP). There are no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government generally respects academic freedom. In February students protested sporadically in protest of scholarship arrears and education austerity measures (see Section 2.b.). Scholarships for high school students still had not been paid by year's end. As a result of financial problems and student strikes, the 2000-2001 academic year was interrupted in February. In June the university reopened with intensive classes and exams through October; as a result, the 2001-2002 academic year did not begin until December.

#### b. Freedom of Assembly and Association

The Constitution provides for freedom of assembly; however, the Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) is not provided. Political parties legally are permitted to hold demonstrations within a defined area. There were no reports of political parties being denied permission for demonstrations during the year.

On February 21, at Kennedy Bridge in Niamey, police forcibly dispersed a group of students who were protesting scholarship arrears and education austerity measures. According to international observers, police used tear gas to disperse the students, who were armed with sticks, rocks, and Molotov cocktails; numerous students and police officers were injured (see Section 1.c.). In March one police officer died as a result of his injuries. At year's end, 8 of the 19 students arrested following the incident remained in custody (see Section 1.d.).

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting led by Islamist groups that engaged in or threatened violence in 2000, the Government banned six such organizations; the organizations remained banned at year's end (see Section 2.c.). Following the terrorist attacks on September 11, the Government banned two additional Islamist organizations because they sent threatening letters to the U.S. Embassy. There are 26 political parties; 2 parties were founded during the year.

#### c. Freedom of Religion

The Constitution provides for "the right of the free development of each individual in their...spiritual, cultural, and religious dimensions," and the Government generally respects the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

No religious group was subsidized, although the Islamic Association had a weekly broadcast on the government television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization. The Government must authorize construction of any place of worship; however, there were no reports that the Government refused such construction during the year. Foreign missionaries worked freely, but their organizations must be registered officially as associations. Just after the 1999 coup, the Assemblies of God church in Niamey was notified by the mayor's office that it had to close until the "new order" was established; however, the Assemblies of God church remained open, and no further action was ever taken on the case.

In reaction to rioting led by Islamist groups in November 2000, the Government banned six such organizations (see Sections 2.b. and 5). The Government justified the ban on the grounds that these organizations were responsible for "disturbing the peace." No mainstream Islamist organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights. Security forces at checkpoints monitor the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demand payments or bribes. Attacks by bandits on major routes to the north have declined considerably. Among the Hausa and Peul in the east, some women are cloistered and may leave their homes only if escorted by a man and usually only after dark (see Section 5).

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention; however, the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR office in the country closed at the end of the year; the UNHCR's regional office in Benin will be responsible for the refugee assistance and protection in the country. It is unclear whether the Government's interministerial National Refugee Eligibility Committee will have the capacity to take over the UNHCR's refugee prescreening duties. The Government offers first asylum, and to date it has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remain in the country.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. The 1999 coup led to the installation of a military-led government, which instituted a 9-month transition to a democracy. A 1999 referendum approved a new Constitution that provided for a power sharing-presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly. Tandja was inaugurated on December 22, 1999.

Pursuant to the Constitution, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000 Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

The Constitution granted a general amnesty to the perpetrators of the 1996 and 1999 coups; the amnesty was approved during the first session of the National Assembly in 2000. The Constitution also allowed governmental authorities to remain in place until new elections were held. In March the late President Bare's political party Rally for Democracy and Progress' (RDP) effort to repeal these constitutional provisions failed by a vote of 69-12 in the National Assembly (see Section 1.a.).

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchises many women. This practice was used widely in the 1999 presidential and National Assembly elections. The percentage of women in government and politics does not correspond to their percentage of the population. One woman won a seat in the 83-seat National Assembly; there are 2 female ministers in the Government. The mayor of the city of Agadez, the capital of a district that includes one-third of the country, is a woman. The National Assembly passed a law in 2000 mandating that women would receive 25 percent of government positions, but by year's end, women still did not fill that percentage of government positions.

The percentage of minorities in government and politics does not correspond to their percentage of the population; however, all major ethnic groups are represented in the Government. Although the Government supported greater minority representation in the National Assembly, no seats in the National Assembly are reserved for ethnic minorities. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (see Section 5).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations generally operate without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government in their own publications and in the small independent press. Notable among the associations were the Nigerien Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There were several other women's rights groups. The ICRC was active in the country.

In March the Government began funding the National Commission on Human Rights and Fundamental Liberties, which it had created in 2000. The Commission's mandate includes communication, advocacy, and investigation of human rights abuses, and it has shown signs of independence since its creation. In 2000 the Commission published a credible, well-researched report on the Djibrilla kidnaping case (see Sections 1.b., 1.c., and 1.d.). During the year, the Commission issued a report that found that the Government violated laws and regulations concerning traditional chiefs when it removed the Sultan of Zinder. Elements of civil society successfully opposed a government attempt to alter the composition of the Commission during the year.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, and Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there were instances of discrimination against women, children, ethnic minorities, and persons with disabilities, including, but not limited to, limited economic and political opportunities.

##### Women

Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common, even in upper social classes. Families often intervened to prevent the worst abuses, and women may (and do) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few do so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wants to leave her husband.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of

Diffa. In July the National Assembly outlawed FGM; however, some observers believed the Government has not publicized sufficiently the fact that the practice is now a criminal act.

A 1998 study by CARE International indicated that 5 percent of women between 15 and 49 years of age had undergone FGM; however, a 1999 symposium cited a World Health Organization global study of 20 percent. Statistics regarding this practice were not considered to be fully reliable. Clitoridectomy was the most common form of FGM. The Government worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers.

Prostitution, which is illegal and hidden, is more prevalent near major mining and military sites. Child prostitution was a problem (see Section 6.d.).

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men results in discrimination in education, employment, and property rights. Discrimination is worse in rural areas, where women do much of the subsistence farming as well as child-rearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remained underrepresented in these areas.

Women's inferior legal status was evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, are not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women are cloistered and may leave their homes only if escorted by a male and usually only after dark. In 1999 the Government ratified the Convention for the Elimination of All Forms of Discrimination Against Women; in 2000 the Ministry of Justice formed a committee of legal scholars, which began reviewing appropriate law. Islamic groups criticized the ratification and complained that they were not consulted beforehand. Women's groups so far have been silent on the ratification, allegedly due to fear of reprisals.

National service was mandatory for all young women who have completed university studies or professional training. National service lasts from 18 months to 2 years, and women can serve as teachers, health service workers, or technical specialists; however, military service was not an option.

#### Children

Although the Constitution provides that the Government promote children's welfare, financial resources are extremely limited. The minimum period of compulsory education is 6 years; however, only approximately 32 percent of children of primary school age attend school, and approximately 60 percent of those who finish primary schools are boys. The majority of young girls are kept at home to work and rarely attend school for more than a few years, resulting in a female literacy rate of 8 percent, compared with 23 percent for men.

Some ethnic groups allowed families to enter into marriage agreements on the basis of which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. During the year, the National Assembly considered changing the law to prohibit this practice and establish a minimum age for marriage; however, no legislation was passed by year's end. In 2000 the Minister of Justice formed a commission to examine the problem of child brides; at year's end, the commission's work was ongoing.

FGM is performed on a small percentage of girls (see Section 5, Women).

There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Section 6.c. and 6.d.). Child prostitution was not criminalized specifically, and there is no precise age of consent; however, the law condemns "indecent" acts towards minors, but it was left to a judge to determine what constitutes an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" are punishable by 3 to 5 years in prison.

Child labor in the nonformal sector occurs (see Sections 6.c. and 6.f.).

#### Persons with Disabilities

The Constitution mandates that the State provide for persons with disabilities; however, the Government has yet to implement regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there is little. Societal discrimination against persons with disabilities exists.



In August the mayor of Niamey reportedly established a program to locate, register, and put in psychiatric care persons with mental disabilities wandering the streets. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

#### Religious Minorities

There generally were amicable relations between the various religious communities; however, there have been instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities, and the practice of other religions in those cities was not as well tolerated as in other areas.

In 2000 several hundred Muslims rioted in the provincial capital of Maradi, burned a Protestant church and a nearby seminary facility belonging to the Abundant Life Church, and looted houses and an office at a compound of a foreign missionary organization. The police arrested 100 persons in connection with the violence in Maradi and banned 6 Islamist groups; at year's end, 20 persons remained in prison (see Sections 1.d. and 2.c.). At year's end, the leaders of the riots were in prison awaiting legal action.

Starting in 1998, Southern Baptist missionaries in Say (30 miles south of Niamey) faced harassment by members of the majority Islamic community. Upon notifying authorities, the missionaries were told that, while it was within their rights to be there, the local police could not ensure their safety. The problem continued through September 1999, when the missionaries decided to move away. One family has relocated to Gotheye (north of Niamey) and the other family continued its missionary activities in the region but no longer lives in Say. In May 2000, the same Islamic activists in Say threatened to burn down the meeting place of the local Christians who remained and beat or have arrested a local Christian man in the village of Ouro Sidi who continued to work with the Southern Baptists. There were no reports that such threats were ever carried out during the year.

#### National/Racial/Ethnic Minorities

The Hausa and Djerma ethnic groups make up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou is the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris have few representatives in the Government, and many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. It supported the 1995 peace accord calling for special development efforts in the north where the Tuareg population is dominant. However, nomadic people, such as Tuaregs and many Peul, continued to have less access to government services.

Limited security issues existed in the northern areas as a result of continued conflict over land use between farming and herding ethnic groups. Occasionally tensions increased in limited areas, but no serious or large scale problems were reported during the year.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most are government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they have informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions. On January 5, breakaway members of the USTN founded the Confederation of Forces of Democratic Workers (CFDT). The customs workers union, which the Government dissolved in 1997, was authorized to resume operations during the year; however, the police union remained suspended.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum

level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector. The International Labor Organization (ILO) has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

In October telecommunications workers went on strike to protest the planned partial privatization of SONITEL.

Unlike in the previous year, there were no strikes or work stoppages by judiciary, communications, health care, and education workers due to government inability to pay workers' salaries.

In October 2000, teachers went on strike for 4 weeks. In November 2000, the judge ordered the teachers to stop their "illegal and savage" strike and return to work. The teachers ended their strike in November 2000 and resumed normal work. The Government agreed to resume annual salary increases and pay teachers 2 months of backpay in each of the next 3 years; a number of teachers also accepted a "land for wage arrears" offer.

The USTN is a member of the Organization of African Trade Union Unity and is affiliated with the International Confederation of Free Trade Unions; it receives assistance from some international unions. Individual unions such as the teachers union are affiliated with international trade union secretariats.

#### b. The Right to Bargain Collectively

In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on ILO principles. It protects the right to organize and prohibits antiunion discrimination by employers; labor unions reported no such discrimination. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also exists in the public sector. The USTN represents civil servants in bargaining with the Government. Agreements between labor and management apply uniformly to all employees.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, a traditional form of slavery still is practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions (see Section 6.f.). In July the National Assembly passed revisions to the penal code to include new punishable offenses for crimes against the practice of slavery; however, a presidential promulgation to implement the new revisions was not issued by year's end. Persons are born into a traditionally subordinate caste and are expected to work without pay for those above them in the traditional social structure. None of these individuals appear to have been forced into servitude. Individuals can change their situations and are not pursued if they leave their positions; however, most do not and accept their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

Trafficking in persons, including slaves, occurs (see Section 6.f.).

The Labor Code does not prohibit specifically forced and bonded labor by children (see Section 6.d.). There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Sections 5 and 6.d.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4 1/2 hours per day and certain types of employment so schooling may continue.

The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforce child labor laws.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some, especially foreign youths, were hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly worked with their families from a very early age--helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by marabouts (Koranic teachers) to beg in the streets (see Section 6.f.). There was no official recognition of this labor.

There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family (see Section 5). Child prostitution was not criminalized specifically, and there is no precise age of consent.

In 2000 the Government ratified ILO Convention 182 on the worst forms of child labor. The Ministry of Labor, which is responsible for implementing the convention, was working with UNICEF and the International Program on the Elimination of Child Labor to determine the extent of the problem in the country.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. There were credible reports that a form of slavery was practiced among members of the Tuareg ethnic group (see Section 6.c.).

Trafficking in persons, including of slaves, occurs (see Section 6.f.).

#### e. Acceptable Conditions of Work

The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage is \$33 (24,565 CFA francs) per month. Additional salary is granted for each family member and for such working conditions as night shifts and required travel, at approximately \$25 (18,625 CFA francs) per month. Government salaries substantially were in arrears. Most households have multiple earners (largely in informal commerce) and rely on the extended family for support.

The legal workweek is 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorizes longer workweeks of up to 72 hours. There were no reports of violations.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining; building; and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers are in many cases not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

The Labor Code also protects foreign workers.

#### f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal trafficking occurs, and there was anecdotal evidence that organized rings may victimize young girls who come to work as household helpers.

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in Niger. Victims, primarily from Benin, Togo, Nigeria, and Ghana, are escorted through the formalities of entering the country, where they find that their employment options are restricted to poorly-paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to Niger for the cost of the trip. Compliance is enforced by "contracts," which are signed by illiterate victims before they depart their countries of origin; alternatively, the victim's travel document simply is seized. A local NGO also reported that some rural Nigerien children are victims of domestic trafficking in which the victim (or his/her family) is promised a relatively decent job only to be placed in a home to work as a servant. The victims must use their earnings to reimburse the persons who brought them to the city.

Internal trafficking, which is rooted in the traditions and poverty that underlie the country's largely informal economy, includes the child marriages of girls and the indenturing of boys to Koranic teachers (see Section 5).

In response to economic hardship, some parents arranged for their young daughters to marry older men, presumably without their consent, and then send them to join their husband's families. Similarly some rural parents send their sons to learn the Koran in the cities where, in return for their education, the boys support their teachers by begging on the streets (see Section 6.d.).

In August a Nigerian national was arrested for attempting to escort eight young women from Nigeria through the country on their way to Italy, allegedly for prostitution.

In September a 17-year-old former slave from Niger addressed the U.N. Conference Against Racism in South Africa. She told the conference she had been brought up in slavery, like her mother and grandmother (see Section 6.c.). At the age of 15, the Tuareg clan sold her for \$300 (223,500 CFA francs) to a trader in Nigeria, from whom she escaped; she said Tuareg clans in the country continued to trade in black slaves.

In 2000 the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts (see Section 1.e.).